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JUL 22 2005

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

In re application of

Jon C. Evans et al.

Application No. 09/887,526

: DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

Filed: June 25, 2001

For: SYSTEM AND METHOD FOR

COMPUTER -CREATED ADVERTISEMENTS

This is a decision on the request filed on February 22, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Items A) and B).

As to condition A), In the original declaration, Paul Booth, Colin Sandercock, Patricia Granados, John Isacson, Ronald Kamis, Marvin Motsenbocker, Susan McBee, Joe Puttlitz, and Stephen Yoder were also given power in this application. These attorney are not listed under the customer number given in the request. If only the attorneys listed in the request are to have power withdrawn and the other attorneys listed above are intended to remain having power of attorney for this case, this needs to be made clear in any supplemental request; otherwise the above-noted attorneys would need to be added to the request.

As to condition B), The statement included in the request, "Application is being transferred to another attorney," does not satisfy one of the valid reasons for withdrawal under 37 CFR 10.40 (b)(1)-(4) or (1)-(6). The assignee, eComSystems, Inc. may not transfer the application to another attorney on his own accord.



Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6587
Facsimile No.: (571) 273-8300

KJD/slb: 07/19/05